

## **REMARKS**

### **Status of the Claims**

Claims 1, 7-9, 22, 23, 25 and 34 are currently pending in the application. Claims 1-9, 22, 23, 25 and 34 stand rejected. Claims 2-6, 10-21, 24 and 26-33 have been cancelled herein without prejudice or disclaimer. Reconsideration is respectfully requested.

### **Interview**

Applicants and Applicants' representatives thank the Examiner for extending the courtesy of an interview conducted on October 31, 2006. The substance of the interview is substantially as reflected in the Interview Summary made of record on November 6, 2006.

### **Rejections Under 35 U.S.C. § 112, First Paragraph**

#### **Written Description/New Matter**

Claims 1-9, 22, 23, 25 and 34 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description/new matter requirement. (*See*, Office Action of April 24, 2006, at page 21, hereinafter "Office Action"). Claims 2-6 have been cancelled herein without prejudice or disclaimer, thus obviating the rejection with respect to these claims. Applicants traverse the rejection as to the remaining claims as set forth herein.

Applicants have already provided comments directed to this rejection in the Reply of September 25, 2006 and herein respectfully direct the Examiner to enter the claim amendments and comments provided therein. All such comments and arguments provided in the Reply of September 25, 2006 are hereby incorporated by reference as if fully and completely presented

herein for the record. The Reply of September 25, 2006 is believed to fully address these issues and no further comments are needed.

Reconsideration and withdrawal of the enablement rejection of claims 1, 7-9, 22, 23, 25 and 34 are respectfully requested.

#### Written Description

Claims 1-8, 22, 23, 25 and 34 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. (*See*, Office Action, at pages 3-7). Claims 2-6 have been cancelled herein without prejudice or disclaimer, thus obviating the rejection with respect to these claims. Applicants traverse the rejection as to the remaining claims as set forth herein.

All comments and arguments submitted in the Reply of September 25, 2006 are hereby incorporated by reference as if fully and completely presented herein for the record. The Reply of September 25, 2006 is believed to fully address these issues and no further comments are needed.

Reconsideration and withdrawal of the written description rejection of claims 1, 7, 8, 22, 23, 25 and 34 are respectfully requested.

#### Enablement

Claims 1-9, 22, 23, 25 and 34 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. (*See*, Office Action, at page 8). Claims 2-6 have been cancelled herein without prejudice or disclaimer, thus obviating the rejection with

respect to these claims. Applicants traverse the rejection as to the remaining claims as set forth herein.

All comments and arguments submitted in the Reply of September 25, 2006 are hereby incorporated by reference as if fully and completely presented herein for the record. The Reply of September 25, 2006 is believed to fully address these issues and no further comments are needed.

Reconsideration and withdrawal of the written description rejection of claims 1, 7-9, 22, 23, 25 and 34 are respectfully requested.

#### **Rejections Under 35 U.S.C. § 102(a)**

Claims 1-6 and 9 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Taipale et al., GenBank Accession Number AF337549 (hereinafter referred to as "Taipale et al."). (*See*, Office Action, at page 15). Claims 2-6 have been cancelled herein without prejudice or disclaimer, thus obviating the rejection with respect to these claims. Applicants traverse the rejection as to the remaining claims as set forth herein.

All comments and arguments submitted in the Reply of September 25, 2006 are hereby incorporated by reference as if fully and completely presented herein for the record. The Reply of September 25, 2006 is believed to fully address these issues and no further comments are needed.

Furthermore, regarding the Taipale et al. reference, it was noted in conversations with the Examiner that there is actually an earlier Taipale et al. reference dated February 2, 2002, which

lists as authors only Taipale and Kere. (Copy of older Taipale et al. reference included in the Information Disclosure Statement submitted concurrently herewith).

Additionally, Applicants plan to submit additional remarks regarding the earlier Taipale et al. reference following the present submission. Should the Examiner need to act on the present application prior to receiving any additional comments or documents from Applicants, the Examiner is respectfully requested to contact Applicants' representatives by telephone prior to acting on the present application, if possible.

Reconsideration and withdrawal of the anticipation rejection of claims 1 and 9 are respectfully requested.

#### **Rejections Under 35 U.S.C. § 102(b)**

##### GenBank Accession Number BE972748

Claims 1-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by NIH-MGC, GenBank Accession Number BE972748 (hereinafter referred to as "NIH-MGC"). (*See*, Office Action, at page 14). Claims 2-6 have been cancelled herein without prejudice or disclaimer, thus obviating the rejection with respect to these claims. Applicants traverse the rejection as to the remaining claims as set forth herein.

All comments and arguments submitted in the Reply of September 25, 2006 are hereby incorporated by reference as if fully and completely presented herein for the record. The Reply of September 25, 2006 is believed to fully address these issues and no further comments are needed.

Reconsideration and withdrawal of the anticipation rejection of claims 1, 7 and 8 are respectfully requested.

Applied Biosystems Catalog, 1993

Claims 22, 23 and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Applied Biosystems Catalog, 1993, pages 135-164 (hereinafter referred to as "ABS"). (*See*, Office Action, at page 16). Applicants traverse the rejection as set forth herein.

All comments and arguments submitted in the Reply of September 25, 2006 are hereby incorporated by reference as if fully and completely presented herein for the record. The Reply of September 25, 2006 is believed to fully address these issues and no further comments are needed.

Reconsideration and withdrawal of the anticipation rejection of claims 22, 23 and 25 are respectfully requested.

**Rejections Under 35 U.S.C. § 103(a)**

Claims 22, 23 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brennan in view of Ahern, *The Scientist*, 9(15):20, 1995 (hereinafter referred to as "Ahern"). (*See*, Office Action, at page 19). Applicants traverse the rejection as hereinafter set forth.

All comments and arguments submitted in the Reply of September 25, 2006 are hereby incorporated by reference as if fully and completely presented herein for the record. The Reply of September 25, 2006 is believed to fully address these issues and no further comments are needed.

Reconsideration and withdrawal of the obviousness rejection of claims 22, 23 and 25 are respectfully requested.

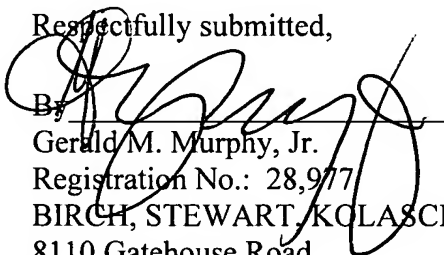
**CONCLUSION**

If the Examiner has any questions or comments, please contact Thomas J. Siepmann, Ph.D., Registration No 57,374, at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,



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